

Amendment under 37 C.F.R. § 1.111  
USSN 09/508,418

### **REMARKS**

In this Amendment, claim 1 is amended and claims 8 and 27 are canceled. Thus, after entry of this Amendment, claim 1 is the only claim pending in this application.

The specification has been amended to correct spelling errors, capitalize trademarks, and to indicate, where needed, generic terminology for the same.

Claim 1 has been amended to more clearly recite that the claimed polypeptide is that of SEQ ID NO: 2, irrespective of its source, for example.

No new matter has been added.

### **Response to Sequence Compliance**

At paragraph 5 of the Office Action, the Examiner states that the specification must be amended to indicate the sequence identifiers for the sequences bridging pages 20 and 21 of the specification.

The specification has been amended as required by the Examiner, and accordingly, Applicants request that this objection to the specification be withdrawn.

Additionally, if the Examiner becomes aware of any other such informality, the Examiner is requested to contact the undersigned for appropriate and speedy resolution.

### **Response to Specification/Informalities**

At paragraph 6 of the Office Action, the Examiner contends that the trademarks “Superscript™” and “pCR™2.1” must be capitalized to protect their proprietary nature and accompanied by generic terminology.

Applicants have amended the specification to capitalize trademarks, and where needed, have supplied generic terminology. However, the Examiner should note that the lower case “p” in “pCR<sup>TM</sup>2.1” at page 21 of the specification should not be capitalized, since the lower case of this letter may be of significance to the trademark. The lower case helps indicate that the product is a plasmid, and on the other hand if capitalized, the term “PCR” may have a very different meaning. Finally, this term is already accompanied by the symbol “TM”, indicating its proprietary nature. Thus, capitalization of this term is not appropriate.

Applicants believe that the specification is in compliance with the requirements of the patent office, and request that these objections to the specification be withdrawn.

Of course, if the Examiner becomes aware of any other such informality, the Examiner is requested to contact the undersigned for appropriate and speedy resolution.

### **Response to Claim Objections**

(1) At paragraph 7 of the Office Action, the Examiner indicates that claims 8 and 27 contain a misspelling, i.e. “1H-pyrazole-3-yl.” The Examiner indicates that the phrase should read “1H-pyrazol-3-yl.”

(2) At paragraphs 8 and 9 of the Office Action, the Examiner objects to claim 8 as not further limiting claim 1, and objects to claim 27 as being a substantial duplicate of claim 1.

Claims 8 and 27 are cancelled, and thus these objections to the claims should be withdrawn. It is noted that, since claims 8 and 27 have been found to not limit the subject matter of claim 1, this amendment is not narrowing.

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Of course, if the Examiner wishes to raise any other such objection to the claims, the Examiner is requested to contact the undersigned for appropriate and speedy resolution.

**Response to Rejections Under 35 USC § 112, First Paragraph**

At paragraph 12 of the Office Action, the Examiner rejects claim 27 under 35 U.S.C. § 112, first paragraph, as not complying with the written description requirement.

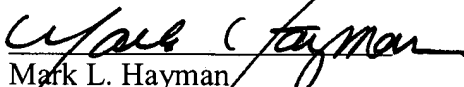
Claim 27 has been cancelled rendering this rejection moot. As stated above, the cancellation of claim 27 does not narrow the subject matter of this application.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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